

FACILITY CLEARANCE PROCESS

WHAT IS REQUIRED FOR A FACILITY CLEARANCE?

Obtaining a facility clearance involves four basic components. (1) A favorable FOCI determination must be made. This includes personnel clearances for key management personnel. (2) An LOSC or security plan must be approved. (3) In the case of possessing or property protection facilities, an initial, satisfactory safeguards and security survey must be conducted by DOE. (4) Appropriate registration forms must be completed and approved.

WHAT FORMS ARE REQUIRED IN THE PROCESS?

There are certain forms and documents which are required to register an interest. They include:

- DOE Form 5634.3, Facility Data and Approval Record (FDAR)
- DOE Form 5634.2, Contract Security Classification Specification (CSCS)
- An approved LOSC or security plan

The FDAR is used to register what can be described as “facility” information. This information is registered by the Lead Responsible Office (LRO) and only has to be completed to originally register the facility or when information such as the classified mailing address (CMA), classified shipping address (CSA), facility location, security officer, or the level of approval for the facility changes. A copy of the current FDAR will be attached to each copy of the CSCS form when it is approved and copies are distributed to the Contracting Officer and the Procurement Request Originator. The Safeguards and Security Division will complete this form; however you need to be aware of its existence and what information is included since the Procurement Request Originator will be responsible for notifying the Safeguards and Security Division whenever any of the information changes. An example of the FDAR form can be found in the appendix.

The CSCS is used to register information concerning the specific contract. This form has to be completed before a new contract is awarded, whenever modifications are made to an existing contract that affects the information recorded (such as the contract extension), and when the contract is completed. Specifics of the completion of the CSCS form are discussed in Section 3.

If the contract is for a nonpossessing facility, the Procurement Request Originator is responsible for obtaining from the contractor an LOSC and submitting it to the Safeguards and Security Division with the completed CSCS. The LOSC details the

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security guidelines that the contractor has agreed to follow. An example of a standard LOSC is included in the appendix. If the company is to possess special nuclear material, classified matter, Government property over \$5M, or is registered for other considerations, the contractor must submit a comprehensive security plan.

WHAT IS THE FIRST STEP?

The process begins when any procurement or agreement is about to be entered into with the “Department.” For procurements over \$25K, the Procurement Request Originator completes the DOE Form 4200.33, Procurement Request Authorization. Item 46 of the Procurement Request Authorization form indicates whether or not access authorizations are required for the contract. If Item 46 is marked “yes” or if the contract involves possession of special nuclear material or more than \$5M in Government property, then the contract must contain the appropriate security and FOCI clauses. If the contract does not require access authorizations or involve special nuclear material or more than \$5M in Government property, the interest does not have to be registered and the facility clearance process ends. This criteria applies to any action that involves any type of agreement.

The Request for Proposal (RFP) is issued and proposals are received. If the RFP itself is classified, the interest must be registered before the RFP is issued. *[Note: All contracts that require personnel clearances require security clauses: DEAR 952.204-2 Security Requirements, DEAR 952.204-70 Classification, and DEAR 952.204-73 FOCI (Solicitations) or DEAR 952.204-74 FOCI (Contracts or Agreements)].*

Prior to the contract being awarded, the Procurement Request Originator is responsible for completing required sections of the CSCS form, obtaining the signature of the Contracting Officer, and forwarding the form to the Safeguards and Security Division. The Procurement Request Originator is also responsible for ensuring the required LOSC or Security Plan is submitted to the Safeguards and Security Division. Some items on the CSCS form cannot be completed until the contract is ready to be awarded.

Once the successful bidder is identified, three different situations can occur: (1) the company has a favorable FOCI determination and a facility clearance; (2) the company has a favorable FOCI determination but no facility clearance; or (3) the company has neither a FOCI determination nor a facility clearance. The Procurement Request Originator must determine which situation exists in order to know how to proceed.

The Procurement Request Originator can obtain initial FOCI information through the Contracting Officer. The Safeguards and Security Division can also provide FOCI and Facility Clearance status.

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WHAT IF THE BIDDER POSSESSES AN APPROVED FOCI DETERMINATION?

Once the Contracting Officer notifies the Procurement Request Originator of the successful bidder, the Procurement Request Originator completes required sections of the CSCS form and obtains the Contracting Officer's concurrence. The Procurement Request Originator is also responsible for obtaining from the contractor the required LOSC or security plan and forwarding it to the Safeguards and Security Division for approval. Initial FOCI information can be obtained through the Contracting Officer. The Safeguards and Security Division can also provide FOCI and Facility Clearance status.

With an approved facility clearance?

If so, the Procurement Request Originator can verify the level of the facility clearance is appropriate for the contract (classification level and category). If a favorable FOCI determination and an appropriate facility clearance exists and there is an approved LOSC or security plan in place, the Safeguards and Security Division can approve the CSCS and return it with a copy of the FDAR to the Procurement Request Originator and Contracting Officer. If the facility is not cleared at or above the level required for the new interest, the Procurement Request Originator should proceed as if there is no facility clearance.

Without an approved facility clearance?

In the case of no facility clearance, the Safeguards and Security Division will complete or update the FDAR. Again, a favorable FOCI determination and an approved LOSC or security plan must be in place before the Safeguards and Security Division can approve the CSCS and return it to the Procurement Request Originator and Contracting Officer. For possessing or property protection facilities, a satisfactory initial security survey must also be completed prior to the facility clearance being granted.

The Safeguards and Security Division will complete the FDAR and register the facility and interest in SSIMS. Once the FDAR and CSCS forms have been approved and returned to the Procurement Request Originator and Contracting Officer, the contract can be awarded. When a new facility code is activated, the Safeguards and Security Personnel Security Branch is notified so they may begin processing clearances.

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WHAT IF THE BIDDER DOES NOT POSSESS A FOCI DETERMINATION?

If the facility does not possess a FOCI determination, the Contracting Officer must obtain a complete FOCI Rep and Certs from the bidder and forward the information to the Safeguards and Security Division for review. Usually the Contracting Officer sends a FOCI Reps and Certs package to the contractor as part of the RFP package. The FOCI package is forwarded to Safeguards and Security Division for review. If all required information is included, the Safeguards and Security Division either makes the determination, transmits the package to Headquarters for their determination, or requests verification from the LRO. If the package is not complete, it is returned to the Contracting Officer.

When the Safeguards and Security Division renders a FOCI determination, notice is sent to the Contracting Officer. The Contracting Officer in turn notifies the Procurement Request Originator of the favorable determination.

Once the Contracting Officer notifies the Procurement Request Originator of the successful bidder, the Procurement Request Originator completes required sections of the CSCS form and obtains the Contracting Officer's concurrence. The Procurement Request Originator is also responsible for obtaining from the contractor the required LOSC or security plan and forwarding it to the Safeguards and Security Division for approval.

Safeguards and Security completes the FDAR and registers the facility and interest in SSIMS. When a new facility code is activated, the Personnel Security Branch is notified so they may begin to process clearances. If a short time period is involved, the Safeguards and Security Division Personnel Security Branch can begin processing clearances simultaneously with the FOCI determination. However, a complete FOCI Reps and Certs package must already have been submitted to the Safeguards and Security Division. The approved FDAR and CSCS forms are then forwarded back to the Procurement Request Originator and Contracting Officer and the contract can be awarded.

WHAT IS THE KEY TO A SMOOTH PROCESS?

Communication is the key to a successful facility clearance process. Safeguards and Security doesn't know which contracts require access authorizations if Procurement doesn't tell them. Likewise, Procurement and Contracts doesn't know if the Procurement Request Originator doesn't tell them. It is equally important for Security to keep the Contracting Officer informed of any concerns during the process.